

**CITY OF NASHUA, NH**  
**LIST OF SUBSTANTIVE CHANGES**  
**November 2007**

The following chapters are not included in the Draft:

- Chapter 320 (Vehicles and Traffic). The conversion of the stop schedule is undergoing a comprehensive check to ensure its accuracy. This will be forwarded the week of November 26th.
- Chapter A402 (Statutory Reference Table). It will appear in the final printed Code.

The following nomenclature changes were made throughout the Code:

<i><b>Change</b></i>	<i><b>To</b></i>
City Solicitor	City Solicitor/Corporation Counsel
Purchasing Agent	Purchasing Manager
Comptroller	Chief Financial Officer
Personnel Department	Human Resources Department
Personnel Officer	Human Resources Manager
Data Processing Department	Information Technology Division
Data Processing Manager	Information Technology Division Director
Personnel Department	Human Resources Department
Code Department	Code Enforcement Department
Revised Ordinances	Code of the City of Nashua or Code

***Chapter 1, General Provisions***

Article I, Provisions Applicable to Entire Code

Section 1-1 is amended as follows:

The ordinances embraced in the following chapters and sections shall constitute and be designated the "~~Nashua Revised Ordinances,~~" "Code of the City of Nashua" and may be so cited or may be cited "~~Revised Ordinances.~~" "the Code."

***Chapter 5, Administration of Government***

Section 5-33B is amended by deleting original Subsection (b)(5) [of original Sec. 2-72] reading as follows:

~~Safety and Enforcement Division, consisting of the Probation Department, the Fire Department and the Police Department.~~

Section 5-61 is amended by deleting obsolete salary provisions and providing that the section shall now read as follows:

On July 1 of each following year, the Mayor's salary shall change by a factor equal to the average of the changes in the Consumer Price Index - Urban (CPI-U) of the preceding three calendar years as published by the U.S. Bureau of Labor Statistics.

Section 5-115 is amended as follows:

The City of Nashua hereby adopts the provisions of ~~New Hampshire Revised Statutes Annotated 80:58 through 80:86, RSA 80:58 et seq.~~, as it may be amended from time to time, relative to real estate tax liens and municipal tax sale practices, ~~effective January 1, 1988.~~ The Collector of Taxes should be responsible for carrying out the requirements of said provisions of state law.

### ***Chapter 78, Alarm Systems***

Section 78-4A is amended as follows:

A residential permit shall include all private dwellings, individual apartments or condominium units occupied primarily by the applicant, for which the applicant will pay to the City a permit fee of \$5 as a one-time fee. ~~The effective date will be March 1, 1982. Such effective date does not exempt the payment of a fee on already installed systems.~~

Original Section 17-42, Records, reading as follows, is deleted: ~~“The records kept pursuant to this article shall not be public records.”~~

### ***Chapter 93, Animals***

Section 93-8C is amended as follows:

C. Enforcement/fines for violation. This section shall be enforced by the Nashua Police Department. Violation of this regulation shall be punished ~~by a fine of \$25 as provided in § 93-14~~ for each occurrence.

Section 93-12 is amended as follows:

A copy of the Nashua Dog Ordinances shall be given with each dog license issued ~~in 1999 and all new licenses issued thereafter.~~

### ***Chapter 128, Construction and Demolition Work***

Section 128-1 is amended by deleting the definition of “residential property” because the term is not used in the ordinance.

Section 128-3 is amended to add “as defined in Chapter 190, Land Use Code” after the words “in any residential zone.”

Section 128-8 is added to read as follows:

#### **§ 128-8. Violations and penalties.**

Violations of this article shall be punishable as provided in § 1-12 of the City Code.

## ***Chapter 160, Fireworks***

Sections 160-1 and 160-4 are amended to change the statutory reference from RSA 160-A to RSA 160-B and 160-C.

Section 160-3 is amended as follows:

This section shall be construed consistently with the ~~BOCA Basic Fire Prevention Code/1975, Section F-2800 et seq. [1987 Section 2700 et seq.], Fire Prevention Code~~ adopted in § 156-1 of the City Code, and is not meant to repeal any section thereof.

## ***Chapter 170, Food-Service Establishments***

Section 170-1 is amended by deleting the definition of “Director” reading as follows: ~~“DIRECTOR—The Director of the Health Department.”~~ The section is further amended by adding the following definition of “Health Officer.” (References throughout the chapter to the “Director” are changed to “Health Officer.”)

HEALTH OFFICER -- The Health Officer of the City of Nashua.

## ***Chapter 190, Land Use***

Section 190-11 is amended by designating the PRD District in Table 11-1 as an Overlay District rather than a Special District.

Section 190-25J is amended to read as follows:

~~Repealing conflicting provisions of Ord. No. O-88-05. Adoption of this Ord. No. 97-151 hereby repeals and fully supersedes Ord. No. O-88-05 in its entirety, along with all of its conditions and stipulations, except for the Hall's Corner Sewer Agreement, which will be addressed separately. The mayor of Nashua is authorized to execute such documents as Corporation Counsel deems necessary to extinguish or remove any agreements of record which were executed as part of ordinance O-88-05. Ordinance No. O-88-05, “Rezoning a parcel of land on Conant Road to GB; rezoning a second parcel on Buckmeadow Road to R-C; and approving a planned residential development known as Hall’s Corner,” is hereby repealed in its entirety, along with all of its conditions and stipulations, except for the Hall’s Corner Sewer Agreement, which will be addressed separately. The Mayor of Nashua is authorized to execute such documents as the City Solicitor/Corporation Counsel deems necessary to extinguish or remove any agreements of record which were executed as part of Ordinance No. O-88-05.~~

The purpose paragraphs of §§ 190-136 and 190-137, reading as follows, are hereby deleted:

~~§ 190-136: Purpose: This section include the rules of procedure adopted by the Zoning Board of Adjustment for appeals from the provisions of Articles III (zoning), (floodplain management), (impact fees), (signs), and (nonconformities) (RSA 675:1, 674:33, 676:5 – 676:7). This section becomes effective when adopted by the Board of Adjustment.~~

~~§ 190-137: Purpose: This section establishes the procedure for seeking a variance from the Zoning Board of Adjustment from the provisions of Article III (zoning) (RSA 675:1, 674:33, 676:5 – 676:7). This section becomes effective when adopted by the Zoning Board of Adjustment.~~

Section 190-262B, the last sentence, is amended as follows, eliminating the reference to a nonexistent Subsection (g):

“...The Commission shall review the physical, social and cultural assets of the City and recommend the establishment of areas in the City for designation as Historic Districts to the Mayor and Board of Aldermen ~~in accordance with subsection (g) of this section.~~”

### ***Chapter 215, Parks and Recreation Areas***

Section 215-11A is amended as follows:

A. The Conservation Commission shall, ~~within six months of the adoption of this ordinance [Ord. No. O-03-152],~~ adopt a base stewardship plan for the care of conservation lands which shall be consistent with the provisions and the purpose and intent of this article. This plan shall include written findings relating the allowed and prohibited uses and other regulations to the protection of the resources.

### ***Chapter 231, Peddling, Soliciting and Vending***

Section 231-20 is amended by adding the following sentence as a lead-in sentence to the section: “The following are exempt from the provisions of this article:”

## ***Chapter 255, Sewage Disposal***

Section 255-1, Definitions, the definition of MEDICAL WASTE and pH, are amended as follows:

MEDICAL WASTE -- Isolation waste, infectious agents, human blood or blood products, pathological waste, sharps, needles, body parts, contaminated bedding, garments or gloves, surgical waste, potentially contaminated laboratory waste, dialysis waste, or other similar waste.

pH -- The reciprocal of the logarithm of the hydrogen ion concentration in grams per liter of solution.

Section 255-63C is amended as follows:

Flow charge. In addition to the monthly or quarterly demand charge, each user shall pay a flow charge for each 100 cubic feet of use measured by water meter readings or wastewater flow meter readings. ~~The flow charge per 100 cubic feet will be \$1.67 through June 30, 2003. Effective July 1, 2003, the flow charge per 100 cubic feet will be \$1.22.~~

## ***Chapter 270, Solid Waste***

Section 270-20A, the first sentence, is amended as follows:

Permits will be issued each year to approved applicants for a period of one year ~~commencing January 1, 1987.~~

Section 270-41, the lead-in sentence, is amended as follows:

All materials prohibited under other ordinances, ~~and~~ are also prohibited under this article. In addition, the following materials are prohibited:

## ***Chapter 285, Streets and Sidewalks***

Section 285-24, the lead-in paragraph, is amended as follows:

When the requirements of § 285-23A and B have been met, the Board of Aldermen shall proceed as follows (pursuant to RSA ~~36-18~~ and Chapter 238):

## ***Chapter 295, Taxation***

Section 295-4 is amended to change “must have been a New Hampshire resident for at least five years” to “must have been a New Hampshire resident for at least three consecutive years.”

Section 295-7 is amended as follows:

The annual deadline for filing for an elderly exemption is ~~August 1st~~ April 15 prior to setting the tax rate.

Section 295-11 is amended by adding the word “Economic” in the phrase: Municipal Economic Development and Revitalization Districts

Section 295-13 is amended as follows:

The City of Nashua hereby adopts the provisions of New Hampshire Revised Statutes Annotated 72:28, as it may be amended from time to time, relative to a veterans' tax credit. ~~Effective April 1, 2004, the veterans' tax credit shall be \$200. Effective April 1, 2005, the veterans' tax credit shall be \$300. Effective April 1, 2006, the veterans' tax credit shall be \$400.~~ Effective April 1, 2007, the veterans' tax credit shall be \$500. This stated veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

### Article VII, Service-Connected Total Disability Tax Credit

The following is deleted: ~~The \$2,000 credit shall become effective on April 1, 2004.~~

### Article VIII, Surviving Spouse Tax Credit

The following is deleted: ~~The \$2,000 credit shall become effective on April 1, 2004.~~

## ***Chapter 325, Vehicles, Off-Highway***

Section 325-1 is amended by changing the statutory reference from RSA chapter 269-C to RSA 215-A.